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EXAMINER	
DUONG, THOMAS	
ART UNIT	PAPER NUMBER
2445	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/760,028	BERKOWITZ ET AL.	
	Examiner	Art Unit	
	THOMAS DUONG	2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5, 7-29, and 31-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5, 7-29, and 31-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 January 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This office action is in response to the Applicants' After Non-Final Amendment filed on September 8, 2008. Applicants amended *claims 1-5, 7-9, 27-28, and 31. Claims 1-5, 7-29, and 31-41* are presented for further consideration and examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. *Claims 1-5, 7-16, 27-29, and 31-32* are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al. (US005999612A), in view of Has et al. (US006230137B1), in view of Desai et al. (US 20030078779A1), in view of Vander Molen (US004520576), and further in view of Kurganov et al. (US006721705B2).

4. With regard to *claim 1*, Dunn discloses,

- *a first connection port to allow a speech-based conversation to occur over the home-based broadband connection to the Internet network;* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2)

Dunn discloses, *"our solution is provide a special server/gateway for broadband networks, such as cable television networks, and unique adapters for residences served by these networks. In its preferred form, our adapter is a card internally installed in a computer. In addition to the computer, this adapter connects to the PSTN, the broadband network (or a modem connecting to that network), and one or more telephones"* (Dunn, col.2, lines 16-22). Hence, Dunn teaches of a computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).

- *a second connection port to allow a speech-based conversation to occur over a public switched telephone network (PSTN);* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2)

  Dunn discloses, *"our solution is provide a special server/gateway for broadband networks, such as cable television networks, and unique adapters for residences served by these networks. In its preferred form, our adapter is a card internally installed in a computer. In addition to the computer, this adapter connects to the PSTN, the broadband network (or a modem connecting to that network), and one or more telephones"* (Dunn, col.2, lines 16-22). Hence, Dunn teaches of a computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).

- *wherein a user connects to the computer via the broadband connection in order to provide at least one personal software application voice command.* (Dunn, col.1, line 6 - col.18, line 26)

Dunn discloses, *"our solution is provide a special server/gateway for broadband networks, such as cable television networks, and unique adapters for residences served by these networks. In its preferred form, our adapter is a card internally installed in a computer. In addition to the computer, this adapter connects to the PSTN, the broadband network (or a modem connecting to that network), and one or more telephones"* (Dunn, col.2, lines 16-22). Hence, Dunn teaches of a computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).

However, Dunn does not explicitly teaches,

- *a plurality of speech engines that recognize speech and synthesize speech to allow the speech-based conversations to occur over the first connection port and the second connection port; and*

Has teaches,

- *a plurality of speech engines that recognize speech and synthesize speech to allow the speech-based conversations to occur over the first connection port and the second connection port; and* (Has, col.1, line 15 – col.14, line 50)

  Has discloses, *"a first device for inputting at least two speech signals designating the operating functions and/or the components of the household appliance; a second device, operatively connected to the first device, for recognizing the operating functions and/or the components designated by the speech signals; a third device, for converting the speech signals, after being recognized, into a given control command to operate the household appliance"* (Has, col.2, line 67 – col.3, line 7). Hence, Has teaches of system with a second device (i.e.,

Applicants' speech engine) for recognizing (i.e., Applicants' recognize) the operating instructions and/or components designated by the speech signals (i.e., Applicants' speech). Has discloses, *"The speech signal recognition is preferably carried out in a speaker-independent manner. However, it can also be carried out in a speaker-dependent manner in particular in a speaker-group-dependent manner. The speech of adults exhibits speech characteristics which distinguish them from the speech characteristics of children. In this embodiment of the household appliance according to the invention, children can be excluded from actuating the household appliance"* (Has, col.5, line 66 – col.6, line 6) and *"The speech signal recognition is preferably carried out in a speaker-independent manner, but the speech signal recognition can also be carried out in a speaker-dependent manner through the use of the second device 41, so that it becomes possible to authorize only specific persons, for example only the adult members of a household, to actuate the household appliance"* (Has, col.9, lines 53-59). Hence, Has implies the use of multiple speech engines capable of distinguishing speech characteristics of children from adults so that children can be excluded from actuating the household appliances.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Has with the teachings of Dunn *"to provide a household appliance which overcomes the above-mentioned disadvantages of the heretofore-known appliances of this general type and which provides a simple, reliable, and rapid speech-controlled operation for the household appliance"* (Has, col.2, lines 10-14) *"by allowing for seamless and effective integration of telephone services into cable networks and/or other broadband*

networks" (Dunn, col.2, lines 11-13); through the use of a central computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).

However, Dunn and Has do not explicitly teaches,

- *a plurality of speech engines that recognize speech and synthesize speech to allow the speech-based conversations to occur over the first connection port and the second connection port; and*

Desai teaches,

- *a plurality of speech engines that recognize speech and synthesize speech to allow the speech-based conversations to occur over the first connection port and the second connection port; and* (Desai, para.1-255)

  Desai discloses, *"These are a set of COM+components that encapsulate hardware devices and speech recognition engines. Once the applications are written using these interfaces, they can be ported easily from one hardware device to another or from one recognition engine to another by simply replacing the corresponding HeyAnita Speech Object"* (Desai, para.64). Hence, Desai teaches of multiple of speech engines (i.e., Applicants' plurality of speech engines that recognize speech and synthesize speech). Desai discloses, *"HeyAnita uses its proprietary technology and easy to use interface to create an informative and entertaining environment to attract and retain a large and loyal user base. In addition to its easily brandable name and concept, HeyAnita offers the most comprehensive array of voice enabled services and allows phone users to access the Internet in multiple languages. Appendix B sets forth some of the*

application features possible with the inventive HeyAnita system" (Desai, para.50) and *"Multiple Language Support: HeyAnita Voice Platform has been designed to support international languages. Any application written on HeyAnita Voice Platform can be localized in any international language without any code changes"* (Desai, para.60). Hence, Has implies the use of multiple speech engines capable of distinguishing speech characteristics of different users in different languages.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Desai with the teachings of Dunn and Has *"to provide a household appliance which overcomes the above-mentioned disadvantages of the heretofore-known appliances of this general type and which provides a simple, reliable, and rapid speech-controlled operation for the household appliance"* (Has, col.2, lines 10-14) *"by allowing for seamless and effective integration of telephone services into cable networks and/or other broadband networks"* (Dunn, col.2, lines 11-13); through the use of a central computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN). Desai discloses, *"The present invention relates to voice-based interactive user interfaces, particularly to interactive voice response systems, and more particularly to interactive voice response systems for accessing information from a computer network via remote telephony devices"* (Desai, para.3).

However, Dunn, Has, and Desai do not explicitly teaches,

- *a plurality of speech engines that recognize speech and synthesize speech to allow the speech-based conversations to occur over the first connection port and the second connection port; and*

Vander Molen teaches,

- *a plurality of speech engines that recognize speech and synthesize speech to allow the speech-based conversations to occur over the first connection port and the second connection port; and* (Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)

  Vander Molen discloses, *"the basic components of the system comprise a speech recognition module 50, a speech synthesis module 52, a master control microcomputer 53 and the appliance control system 56"* (Vander Molen, col.4, lines 2-6). Hence, Vander Molen teaches of a system that includes a speech recognition module as well as a speech synthesis module.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Vander Molen with the teachings of Dunn, Has, and Desai to provide a conversational voice command control system *"household appliance which overcomes the above-mentioned disadvantages of the heretofore-known appliances of this general type and which provides a simple, reliable, and rapid speech-controlled operation for the household appliance"* (Has, col.2, lines 10-14) *"by allowing for seamless and effective integration of telephone services into cable networks and/or other broadband networks"* (Dunn, col.2, lines 11-13); through the use of a central computer that includes an adapter containing ports for connecting to the Internet through either the

broadband network of the service provider or through the public switched telephone network (PSTN).

However, Dunn, Has, Desai, and Vander Molen do not explicitly disclose,

- *a personal software application retrieval module that retrieves personal information from a software application based upon the personal software application voice command of the user;*
- *wherein a user connects to the computer via the broadband connection in order to provide at least one personal software application voice command.*

Kurganov teaches,

- *a personal software application retrieval module that retrieves personal information from a software application based upon the personal software application voice command of the user;* (Kurganov, col.2, lines 59-63; col.5, lines 48-53)

  Kurganov discloses, *"In accordance with one aspect of the present invention, these and other objectives are realized by a voice-activated information access method. The voice-activated information access method comprises a user communicating with voice servers. The voice servers receive voice messages from the users and employ speech-to-text conversion programs to translate the voice messages to computer-readable requests. These computer-readable requests are then sent to information retrieval computers which access and retrieve information from sites on the Internet or other networks or information sources corresponding to the requests received from the voice servers. The information retrieval computers associate incoming requests with proper locators which can be used to access information sources. These locators are sent to*

access their corresponding information sources. Information from the corresponding information sources is then sent back to the retrieval computers. The retrieval computers process the information to assure the information is in a proper text-based format. This text- based information is then sent back to the voice servers. The voice servers process the text into speech recognizable by the user, and transmit a speech message with the requested information back to the user" (Kurganov, pg.3, lines 1-15). Hence, Kurganov teaches of a system that includes a database containing user profile information to assist the system in searching and retrieving information according to the user's voice commands.

- *wherein a user connects to the computer via the broadband connection in order to provide at least one personal software application voice command.* (Kurganov, col.2, lines 59-63; col.5, lines 48-53)

  Kurganov teaches of a system that includes a database containing user profile information to assist the system in searching and retrieving information according to the user's voice commands.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Kurganov with the teachings of Dunn, Has, Desai, and Vander Molen to enhance the system by including a database which contains user profile information to assist the system in searching and retrieving information according to the user's voice commands.

5. With regard to *claim 27*, Dunn discloses,

- *communicating with a first communication device located on the Internet network so that a speech-based conversation can occur over the home-based connection*

to the Internet network; (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2)

Dunn discloses, *"our solution is provide a special server/gateway for broadband networks, such as cable television networks, and unique adapters for residences served by these networks. In its preferred form, our adapter is a card internally installed in a computer. In addition to the computer, this adapter connects to the PSTN, the broadband network (or a modem connecting to that network), and one or more telephones"* (Dunn, col.2, lines 16-22). Hence, Dunn teaches of a computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).

- *communicating with a second communication device located on a public switched telephone network (PSTN) so that the speech-based conversation can occur over the public switched telephone network;* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2)

  Dunn discloses, *"our solution is provide a special server/gateway for broadband networks, such as cable television networks, and unique adapters for residences served by these networks. In its preferred form, our adapter is a card internally installed in a computer. In addition to the computer, this adapter connects to the PSTN, the broadband network (or a modem connecting to that network), and one or more telephones"* (Dunn, col.2, lines 16-22). Hence, Dunn teaches of a computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).

- *wherein the recognizing of speech includes an understanding of speech and a user connects to the computer via the broadband connection in order to provide at least one personal software application voice command.* (Dunn, col.1, line 6 - col.18, line 26)

  Dunn discloses, *"our solution is provide a special server/gateway for broadband networks, such as cable television networks, and unique adapters for residences served by these networks. In its preferred form, our adapter is a card internally installed in a computer. In addition to the computer, this adapter connects to the PSTN, the broadband network (or a modem connecting to that network), and one or more telephones"* (Dunn, col.2, lines 16-22). Hence, Dunn teaches of a computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).

However, Dunn does not explicitly teaches,

- *recognizing speech and synthesizing speech with a plurality of speech engines to allow the speech-based conversation to occur over the Internet network and the public switched telephone network; and*
- *wherein the recognizing of speech includes an understanding of speech and a user connects to the computer via the broadband connection in order to provide at least one personal software application voice command.*

Has teaches,

- *recognizing speech and synthesizing speech with a plurality of speech engines to allow the speech-based conversation to occur over the Internet network and the public switched telephone network; and* (Has, col.1, line 15 – col.14, line 50)

- *wherein the recognizing of speech includes an understanding of speech and a user connects to the computer via the broadband connection in order to provide at least one personal software application voice command.* (Has, col.1, line 15 – col.14, line 50)

  Has discloses, *"a first device for inputting at least two speech signals designating the operating functions and/or the components of the household appliance; a second device, operatively connected to the first device, for recognizing the operating functions and/or the components designated by the speech signals; a third device, for converting the speech signals, after being recognized, into a given control command to operate the household appliance"* (Has, col.2, line 67 – col.3, line 7). Hence, Has teaches of system with a second device (i.e., Applicants' speech engine) for recognizing (i.e., Applicants' recognize) the operating instructions and/or components designated by the speech signals (i.e., Applicants' speech). Has discloses, *"The speech signal recognition is preferably carried out in a speaker-independent manner. However, it can also be carried out in a speaker-dependent manner in particular in a speaker-group-dependent manner. The speech of adults exhibits speech characteristics which distinguish them from the speech characteristics of children. In this embodiment of the household appliance according to the invention, children can be excluded from actuating the household appliance"* (Has, col.5, line 66 – col.6, line 6) and *"The speech signal recognition is preferably carried out in a speaker-independent manner, but the speech signal recognition can also be carried out in a speaker-dependent manner through the use of the second device 41, so that it becomes possible to authorize only specific persons, for example only the adult members*

of a household, to actuate the household appliance" (Has, col.9, lines 53-59). Hence, Has implies the use of multiple speech engines capable of distinguishing speech characteristics of children from adults so that children can be excluded from actuating the household appliances.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Has with the teachings of Dunn *"to provide a household appliance which overcomes the above-mentioned disadvantages of the heretofore-known appliances of this general type and which provides a simple, reliable, and rapid speech-controlled operation for the household appliance"* (Has, col.2, lines 10-14) *"by allowing for seamless and effective integration of telephone services into cable networks and/or other broadband networks"* (Dunn, col.2, lines 11-13); through the use of a central computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).

However, Dunn and Has do not explicitly teaches,

- *recognizing speech and synthesizing speech with a plurality of speech engines to allow the speech-based conversation to occur over the Internet network and the public switched telephone network; and*

Desai teaches,

- *recognizing speech and synthesizing speech with a plurality of speech engines to allow the speech-based conversation to occur over the Internet network and the public switched telephone network; and* (Desai, para.1-255)

Desai discloses, *"These are a set of COM+components that encapsulate hardware devices and speech recognition engines. Once the applications are written using these interfaces, they can be ported easily from one hardware device to another or from one recognition engine to another by simply replacing the corresponding HeyAnita Speech Object"* (Desai, para.64). Hence, Desai teaches of multiple of speech engines (i.e., Applicants' plurality of speech engines that recognize speech and synthesize speech). Desai discloses, *"HeyAnita uses its proprietary technology and easy to use interface to create an informative and entertaining environment to attract and retain a large and loyal user base. In addition to its easily brandable name and concept, HeyAnita offers the most comprehensive array of voice enabled services and allows phone users to access the Internet in multiple languages. Appendix B sets forth some of the application features possible with the inventive HeyAnita system"* (Desai, para.50) and *"Multiple Language Support: HeyAnita Voice Platform has been designed to support international languages. Any application written on HeyAnita Voice Platform can be localized in any international language without any code changes"* (Desai, para.60). Hence, Has implies the use of multiple speech engines capable of distinguishing speech characteristics of different users in different languages.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Desai with the teachings of Dunn and Has *"to provide a household appliance which overcomes the above-mentioned disadvantages of the heretofore-known appliances of this general type and which provides a simple, reliable, and rapid speech-controlled operation for the*

household appliance" (Has, col.2, lines 10-14) *"by allowing for seamless and effective integration of telephone services into cable networks and/or other broadband networks"* (Dunn, col.2, lines 11-13); through the use of a central computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN). Desai discloses, *"The present invention relates to voice-based interactive user interfaces, particularly to interactive voice response systems, and more particularly to interactive voice response systems for accessing information from a computer network via remote telephony devices"* (Desai, para.3).

However, Dunn, Has, and Desai do not explicitly teaches,

- *recognizing speech and synthesizing speech with a plurality of speech engines to allow the speech-based conversation to occur over the Internet network and the public switched telephone network; and*

Vander Molen teaches,

- *recognizing speech and synthesizing speech with a plurality of speech engines to allow the speech-based conversation to occur over the Internet network and the public switched telephone network; and* (Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)

  Vander Molen discloses, *"the basic components of the system comprise a speech recognition module 50, a speech synthesis module 52, a master control microcomputer 53 and the appliance control system 56"* (Vander Molen, col.4, lines 2-6). Hence, Vander Molen teaches of a system that includes a speech recognition module as well as a speech synthesis module.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Vander Molen with the teachings of Dunn and Has to provide a conversational voice command control system *"household appliance which overcomes the above-mentioned disadvantages of the heretofore-known appliances of this general type and which provides a simple, reliable, and rapid speech-controlled operation for the household appliance"* (Has, col.2, lines 10-14) *"by allowing for seamless and effective integration of telephone services into cable networks and/or other broadband networks"* (Dunn, col.2, lines 11-13); through the use of a central computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).

However, Dunn, Has, Desai, and Vander Molen do not explicitly disclose,

- *a personal software application retrieval module that retrieves personal information from a software application based upon the personal software application voice command of the user;*
- *wherein the recognizing of speech includes an understanding of speech and a user connects to the computer via the broadband connection in order to provide at least one personal software application voice command..*

Kurganov teaches,

- *a personal software application retrieval module that retrieves personal information from a software application based upon the personal software application voice command of the user;* (Kurganov, col.2, lines 59-63; col.5, lines 48-53)

Kurganov discloses, *"In accordance with one aspect of the present invention, these and other objectives are realized by a voice-activated information access method. The voice-activated information access method comprises a user communicating with voice servers. The voice servers receive voice messages from the users and employ speech-to-text conversion programs to translate the voice messages to computer-readable requests. These computer-readable requests are then sent to information retrieval computers which access and retrieve information from sites on the Internet or other networks or information sources corresponding to the requests received from the voice servers. The information retrieval computers associate incoming requests with proper locators which can be used to access information sources. These locators are sent to access their corresponding information sources. Information from the corresponding information sources is then sent back to the retrieval computers. The retrieval computers process the information to assure the information is in a proper text-based format. This text- based information is then sent back to the voice servers. The voice servers process the text into speech recognizable by the user, and transmit a speech message with the requested information back to the user"* (Kurganov, pg.3, lines 1-15). Hence, Kurganov teaches of a system that includes a database containing user profile information to assist the system in searching and retrieving information according to the user's voice commands.

- *wherein the recognizing of speech includes an understanding of speech and a user connects to the computer via the broadband connection <u>in order to provide at least one personal software application voice command.</u>* (Kurganov, col.2, lines 59-63; col.5, lines 48-53)

Kurganov teaches of a system that includes a database containing user profile information to assist the system in searching and retrieving information according to the user's voice commands.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Kurganov with the teachings of Dunn, Has, Desai, and Vander Molen to enhance the system by including a database which contains user profile information to assist the system in searching and retrieving information according to the user's voice commands.

6. With regard to *claims 2 and 28*, Dunn, Has, Desai, Vander Molen, and Kurganov disclose,

- *wherein the personal software application voice command controls at least an appliance control software module that controls at least one appliance based upon the user's voice command.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Desai, para.1-255; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-63; col.5, lines 48-53)

7. With regard to *claims 3 and 29*, Dunn, Has, Desai, Vander Molen, and Kurganov disclose,

- *wherein the user uses a wireless communication device to connect to the computer in order to provide the voice command.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14,

line 50; Desai, para.1-255; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-63; col.5, lines 48-53)

8. With regard to *claims 4-5*, Dunn, Has, Desai, Vander Molen, and Kurganov disclose,

- *wherein a user connects to the computer over the second connection port in order to provide at least one appliance voice command, and the appliance control software module controls at least one appliance based upon the user's voice command received over the second connection port.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Desai, para.1-255; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-63; col.5, lines 48-53)
- *wherein the user uses a plain telephone connected to the PSTN in order to provide the voice command over the second connection port.* . (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Desai, para.1-255; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-63; col.5, lines 48-53)

9. With regard to *claims 7-8 and 31-32*, Dunn, Has, Desai, Vander Molen, and Kurganov disclose,

- *wherein the user uses a wireless communication device to connect to the computer in order to provide the personal software application voice command.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Desai, para.1-255; Vander Molen, col.2, lines

15-68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-63; col.5, lines 48-53)

- *wherein the software application is software selected from the group consisting of personal information management software, financial software, electronic mail software, and combinations thereof.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Desai, para.1-255; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-63; col.5, lines 48-53)

10. With regard to *claims 9-11*, Dunn, Has, Desai, Vander Molen, and Kurganov disclose,

- *wherein a user connects to the computer over the second connection port in order to provide the at least one personal software application voice command, wherein the personal software application retrieval module controls at least one appliance based upon the user's voice command received over the second connection port.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Desai, para.1-255; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-63; col.5, lines 48-53)
- *wherein the user uses a plain telephone connected to the PSTN in order to provide the appliance voice command over the second connection port.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Desai, para.1-255; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-63; col.5, lines 48-53)

- *wherein the software application is software selected from the group consisting of personal information management software, financial software, electronic mail software, and combinations thereof.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Desai, para.1-255; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-63; col.5, lines 48-53)

11. *With regard to* claims 12-16, Dunn, Has, Desai, Vander Molen, and Kurganov disclose,

- *wherein the computer operates within a residential home of a user.* ((Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Desai, para.1-255; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-63; col.5, lines 48-53)
- *wherein the computer operates within SOHO environment.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Desai, para.1-255; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-63; col.5, lines 48-53)
- *wherein the computer operates within a non-Internet Service Provider environment.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Desai, para.1-255; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-63; col.5, lines 48-53)
- *wherein the first connection port provides for voice data over a VoIP channel.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Desai, para.1-255; Vander Molen, col.2, lines

15-68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-63; col.5, lines 48-53)

- *wherein the first connection port provides for voice data over a VoN channel.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Desai, para.1-255; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-63; col.5, lines 48-53)

12. *Claims 17-26 and 33-41* are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al. (US005999612A), in view of Has et al. (US006230137B1), in view of Desai et al. (US 20030078779A1), in view of Vander Molen (US004520576), in view of Kurganov et al. (US006721705B2), and further in view of Ball et al. (US006600736B1).

13. With regard to *claims 17-26 and 33-41,* Dunn, Has, Desai, Vander Molen, and Kurganov disclose,

See *claims 1 and 27* rejection as detailed above.

However, Dunn, Has, Desai, Vander Molen, and Kurganov do not explicitly disclose,

- *a voice markup language management module connected to the Internet network in order to retrieve a voice markup language program to interact by a speech-based conversation with the user over the first and second connections.*

Ball teaches,

- *a voice markup language management module connected to the Internet network in order to retrieve a voice markup language program to interact by a speech-*

based conversation with the user over the first and second connections. (Ball, col.14, lines 43-44)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Ball reference with Dunn, Has, Desai, and Vander Molen references to enhance the system by utilizing the voice markup language to format the information retrieved by the system at the user's voice command.

Response to Arguments

14. Applicant's arguments with respect to *claims 1 and 27* have been considered but they are not persuasive.

15. With regard to *claims 1 and 27*, the Applicants point out that:

- *Applicant respectfully disagrees with the Examiner's above interpretation of the art. Further, applicant points out that the filing date of the current invention is January 12, 2001. The filing date of Kurganov is February 5, 2001. Applicant acknowledges that provisional applications were filed in 2000 for Kurganov. Applicant requests the Examiner provide said provisional applications as the teachings of Kurganov, relied upon by the Examiner, must be contained in the provisional applications, as Kurganov's published patent is filed after applicant's invention.*

However, the Examiner finds that the Applicants' arguments are not persuasive because the Examiner includes the provisional applications herewith. Please find the attached provisional applications.

16. With regard to *claims 1 and 27*, the Applicants point out that:

- *Applicant argues that the portions of Kurganov, specifically col. 2, lines 59-63 and col. 5, lines 48-53 absolutely fail to teach or suggest the limitations of claim 6,which include: "wherein a user connects to the computer via the broadband connection in order to provide at least one personal software application voice command, said computer further comprising: a personal software application retrieval module that retrieves personal information from a software application based upon the personal software application voice command of the user."*

However, the Examiner finds that the Applicants' arguments are not persuasive because Kurganov discloses, *"In accordance with one aspect of the present invention, these and other objectives are realized by a voice-activated information access method. The voice-activated information access method comprises a user communicating with voice servers. The voice servers receive voice messages from the users and employ speech-to-text conversion programs to translate the voice messages to computer-readable requests. These computer-readable requests are then sent to information retrieval computers which access and retrieve information from sites on the Internet or other networks or information sources corresponding to the requests received from the voice servers. The information retrieval computers associate incoming requests with proper locators which can be used to access information sources. These locators are sent to access their corresponding information sources. Information from the corresponding information sources is then sent back to the retrieval computers. The retrieval computers process the information to assure the information is in a proper text-based format. This text- based*

information is then sent back to the voice servers. The voice servers process the text into speech recognizable by the user, and transmit a speech message with the requested information back to the user" (Kurganov, pg.3, lines 1-15). Hence, Kurganov teaches of a system that includes a database containing user profile information to assist the system in searching and retrieving information according to the user's voice commands

Conclusion

17. **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on 571/272-3933. The fax phone numbers for the organization where

this application or proceeding is assigned are 571/273-8300 for regular communications and 571/273-8300 for After Final communications.

/Thomas Duong/

Patent Examiner, Art Unit 2445

November 27, 2008

/Patrice Winder/

Primary Examiner, Art Unit 2445